

BENCH DECISION AND AWARD

☒ Expedited ☐ NTAARBITRATOR: *Concus*HEARING DATE: *10/14/03*GRIEVANT: *Paulette Burton*GRIEVANCE #: *23-18-20030219-0020-01-04*DEPARTMENT: *ODMH*UNION: *OCSEA*MANAGEMENT
ADVOCATE: *Pat Morgan*UNION
ADVOCATE: *Robert Robinson*

ISSUE

Was the Employer able to establish that the Grievant Abused a patient or worker in the care or custody of the State of Ohio? If not what shall the remedy be?

AWARD

The grievance is denied. The Employer was able to establish that verbal abuse was directed toward a patient or worker in the care or custody of the State of Ohio. The Employer's witnesses, especially Butterfield, were viewed as more credible regarding the disputed incident. Many of the other arguments suggested by the Union, although plausible and well articulated, cannot be considered by me in light of contractual language contained in Article 24.01. Mitigating circumstances or other related conditions ~~are~~ cannot be viewed by any Arbitrator as long as the facts situation presented establishes an abuse situation.

ISSUED AT: *10/14/03*
DATE:ARBITRATOR'S
SIGNATURE: 